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 12 Rocky Mountain Chocolate Factory, Inc.

13  
 14 UNITED STATES DISTRICT COURT  
 15 SOUTHERN DISTRICT OF CALIFORNIA

16 SDMS, INC., THOMAS P. ANDERSON,  
 17 and KEN PECUS,

18 Plaintiffs,

19 v.  
 20 ROCKY MOUNTAIN CHOCOLATE  
 21 FACTORY, INC.,

22 Defendant.

23 Case No. 08CV833 (JM) (AJB)

24 **NOTICE OF PARTY WITH FINANCIAL  
 25 INTEREST**

26 [Fed. R. Civ. P. 7.1(a);  
 27 USDC S.D. Cal. Local Rule 40.2]

28 The undersigned, counsel of record for Rocky Mountain Chocolate Factory, Inc.

29 ("RMCF"), certifies that there is no parent company of RMCF and that no publicly held company  
 30 owns more than ten percent of RMCF's outstanding common shares:

31 DATED: June 24, 2008

**PERKINS COIE LLP**

32 By: s/Steven C. Gonzalez  
 33 Steven C. Gonzalez,

34 Attorneys for Defendant, Rocky Mountain  
 35 Chocolate Factory, Inc.